

103^D CONGRESS
2^D SESSION

H. R. 4155

To provide for the management of Federal lands in a manner that does not undermine or frustrate traditional Native American religions or religious practices.

IN THE HOUSE OF REPRESENTATIVES

MARCH 24, 1994

Mr. RICHARDSON introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To provide for the management of Federal lands in a manner that does not undermine or frustrate traditional Native American religions or religious practices.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American Indian
5 Religious Freedom Act Amendments of 1994”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) unlike any other established religion, many
9 traditional Native American religions are site-spe-

1 cific in that the Native American religions hold cer-
2 tain lands or natural formations to be sacred;

3 (2) such sacred sites are an integral and vital
4 part of the Native American religions and the reli-
5 gious practices associated with such religions;

6 (3) many of these sacred sites are found on
7 lands which were formerly part of the aboriginal ter-
8 ritory of the Indians but which now are held by the
9 Federal Government; and

10 (4) lack of sensitivity or understanding of tradi-
11 tional Native American religions on the part of Fed-
12 eral agencies vested with the management of Federal
13 lands has resulted in the lack of a coherent policy
14 for the management of sacred sites found on Federal
15 lands and has also resulted in the infringement upon
16 the rights of Native Americans to religious freedom.

17 **SEC. 3. MANAGEMENT OF FEDERAL LANDS SO AS TO NOT**
18 **UNDERMINE NATIVE AMERICAN RELIGIOUS**
19 **PRACTICES.**

20 Public Law 95-341 (42 U.S.C. 1996), popularly
21 known as the American Indian Religious Freedom Act, is
22 amended by adding at the end thereof the following new
23 section:

24 “SEC. 3. (a)(1) Except as provided by subsection (b),
25 no Federal lands described in paragraph (2) may be man-

1 aged in a manner that undermines and frustrates a tradi-
2 tional Native American religion or religious practice.

3 “(2) The Federal lands referred to in paragraph (1)
4 are those lands that—

5 “(A) have historically been considered sacred
6 and indispensable by a traditional Native American
7 religion, and

8 “(B) are necessary to the conduct of a Native
9 American religious practice.

10 “(b) Subsection (a)(1) shall not apply to a manage-
11 ment decision that is necessary to protect a compelling
12 governmental interest. In making such a management de-
13 cision, the Federal agency shall attempt to accommodate
14 the various competing interests and shall, to the greatest
15 extent feasible, select the course of action that is the least
16 intrusive on traditional Native American religions or
17 religious practices.

18 “(c) An Indian tribe or a member of an Indian tribe
19 may, upon showing of actual harm suffered by such tribe
20 or member, bring an action in the appropriate United
21 States district court against any person who is violating,
22 or who has violated, the prohibition contained in this sec-
23 tion. In any such action, the court may enjoin such viola-
24 tion or issue such orders as may be necessary to enforce

1 such prohibition or to require that action be taken to rem-
2 edy such violation, or any combination of the foregoing.

3 “(d) Nothing in this section shall be interpreted as
4 requiring any Federal agency to totally deny public access
5 to Federal lands.

6 “(e) As used in this section—

7 “(1) The term ‘Federal lands’ has the same
8 meaning as provided by section 2(5) of the Native
9 American Graves Protection and Repatriation Act
10 (25 U.S.C. 3001(5)).

11 “(2) The term ‘Indian tribe’ means any Indian
12 tribe, band, nation, or other organized group or com-
13 munity, including any Alaska Native village or re-
14 gional or village corporation as defined in or estab-
15 lished pursuant to the Alaska Native Claims Settle-
16 ment Act (85 Stat. 688) (43 U.S.C. 1601 et seq.),
17 which is recognized as eligible for the special pro-
18 grams and services provided by the United States to
19 Indians because of their status as Indians.

20 “(3) The term ‘tribal lands’ includes Indian res-
21 ervations; public domain Indian allotments; former
22 Indian reservations in Oklahoma; land held by incor-
23 porated Native groups, regional corporations, and
24 village corporations under the provisions of the Alas-
25 ka Native Claims Settlement Act (43 U.S.C. 1601 et

1 seq.); and dependent Indian communities within the
2 borders of the United States, whether within the
3 original or subsequently acquired territory thereof
4 and whether within or without the limits of a
5 State.”.

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